

**MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD**

June 30, 2021

The West Virginia Contractor Licensing Board met on June 30, 2021, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Room 124 – Charleston, West Virginia.

BOARD MEMBERS PRESENT

Jacob Meck, Chair
Manny Alvarez
Ted Brady
Mary Cleland
Michael Davis
Amy Fairman
Frank R. Ferguson
James M. Noel
Charles K. Smith
Steven Solomon

BOARD MEMBERS ABSENT

None

OTHERS PRESENT

Mitchell E. Woodrum, Commissioner
Brooke M. Farber Esq., Deputy Commissioner
Kathy Rucker, Labor Programs Manager
Brian White, Labor Programs Manager
Kimberly Legg, Board Secretary

MEETING CALLED TO ORDER

A quorum being present, Mr. Meck called the meeting to order at 9:01 a.m.

APPROVAL OF AGENDA

Mr. Solomon made a motion to amend the agenda and continue disciplinary action against Thomas Builders, Inc. DBA Thomas Brothers Construction, Inc. to the next meeting. Mr. Alvarez seconded. Motion carried.

Mr. Alvarez made a motion to approve the amended agenda of the June 30, 2021 board meeting. Ms. Cleland seconded. Motion carried.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the minutes of the May 20, 2021 board meeting. Ms. Cleland seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

LICENSEE DISCIPLINARY HEARINGS

A. Thomas Builders, Inc. DBA Thomas Brothers Construction, Inc. – Niota, TN – WV036587 (Continuing to hire unlicensed subcontractors)

This matter was continued to the next board meeting.

B. CN Metals, LLC – Oakland, MD – WV032504 (Hiring unlicensed subcontractors)

Ms. Farber explained to the Board regarding CN Metals, LLC. No one appeared on behalf of the company, but a written response with an action plan was submitted prior to the meeting.

Mr. Brady made a motion to request CN Metals submit an action plan with a list of subcontractors on current projects in West Virginia within 30 days. In addition, the company is required to submit a current list of projects and subcontractors for a period of 12 months. Ms. Fairman seconded. Motion carried.

C. Helping Hand Home Improvement – Rivesville, WV – WV058799 (Randolph County Magistrate Court judgment in the amount of \$6,200.00, plus court costs and interest) (Barbour County Magistrate Court judgment in the amount of \$10,000.00, plus court costs and interest)

Mr. Brady made a motion to suspend license until both judgments have been satisfied and all fines issued to Over the Top Roofing have been paid in full. Mr. Alvarez seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

UL015610 – Attorney Ambria Britton appeared on behalf of Mondragon Concrete, LLC

Mr. Brady made a motion to accept staff recommendations. Mr. Alvarez seconded. Motion carried.

B. \$200.00 Fines

Mr. Solomon made a motion to accept staff recommendations. Mr. Brady seconded. Motion carried.

C. \$500.00 Fines

Mr. Smith made a motion to accept staff recommendations. Mr. Alvarez seconded. Motion carried.

D. \$1,000.00 Fines

Mr. Brady made a motion to accept staff recommendations. Mr. Noel seconded. Motion carried.

CHAPTER 30 ADMINISTRATIVE MATTERS

***ELECTION OF PRESIDENT/CHAIR AND CO-CHAIR**

Mr. Brady made a motion to nominate Jacob Meck to continue as Chair. Mr. Solomon seconded. Motion carried.

Mr. Ferguson made a motion to nominate Ted Brady as Co-Chair. Mr. Davis seconded. Motion carried.

***REVIEW AND APPROVE MOU/CONTRACT**

Mr. Ferguson made a motion to approve the Memorandum of Understanding/Contract. Mr. Alvarez seconded. Motion carried.

Staff advised Board that Contractor Licensing funds in Account #0308-3187 will be transferred to 0951-3187 on July 1, 2021, and the Division will invoice the Board for labor.

***PROCEDURAL RULE – BOARD ORGANIZATION**

Mr. Smith made a motion to approve the updated Procedural Rule, Series 1, Board Organization and Meeting Procedures. Mr. Alvarez seconded. Motion carried.

***LEGISLATIVE RULE**

Mr. Brady made a motion to approve the updated Legislative Rule, Series 2, With Insurance Language. Mr. Noel seconded. As a discussion the Board took a vote and the motion died 0-10. Ms. Cleland made a motion to approve the updated Legislative Rule, Series 2, Without Insurance Language. Mr. Brady seconded. Motion carried.

***PROCEDURAL RULE**

Mr. Brady made a motion to approve the updated Procedural Rule, Series 4, Without Mandatory Insurance Language. Mr. Noel seconded. Motion carried.

***REQUIRED ORIENTATION/SEMINAR**

Ms. Farber advised the Board of required orientation and will check for available dates and location and inform the Board.

DOL REPORT

- A report was provided to the Board on Advisory Letters sent to prime contractors for hiring unlicensed subcontractors.
- The Board stated that Thomas Builders, Inc. must appear at the next scheduled board meeting and no more continuances will be granted.
- Mr. Smith asked for an update on any disciplinary action that was taken against W. Harley Miller at a previous board meeting. (A review of the file after the meeting showed that the Board did not take any action against W. Harley Miller and their action plan was accepted as submitted)

NEXT MEETING DATE

October 14, 2021

ADJOURNMENT

Mr. Davis made a motion to adjourn at 10:43 a.m. Mr. Smith seconded. Motion carried.

Approved:


Jacob Meck, Chair